

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MUHAMMED TILLISY,

Plaintiff,

v.

JACK FOX, *et al.*,

Defendants.

Case No. C15-0300-JCC-MAT

ORDER DENYING PLAINTIFF'S
MOTIONS FOR APPOINTMENT OF
COUNSEL

This is a civil rights action brought under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). This matter comes before the Court at the present time on plaintiff's motions for appointment of counsel. The Court, having reviewed plaintiff's motions, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's motions for appointment of counsel (Dkts. 8 and 9) are DENIED. Plaintiff is advised that there is no right to have counsel appointed in cases brought under *Bivens*. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional

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1 circumstances requires an evaluation of both the likelihood of success on the merits and the
2 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
3 involved. *Wilborn*, 789 F.2d at 1331.

4 Plaintiff has not, at this juncture, demonstrated a likelihood of success on the merits nor
5 shown that, in light of the complexity of the legal issues involved, he is unable to articulate his
6 claims pro se. Thus, plaintiff has not demonstrated that this case involves exceptional
7 circumstances which warrant appointment of counsel at the present time.

8 (2) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
9 John C. Coughneour.

10 DATED this 19th day of March, 2015.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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